

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- x
RONALD GRIER,

Plaintiff,

-v-

10 Civ. 5514 (JSR) (JFC)

----- : ORDER

MR. ANTHONY CHU, F.S.A. II; MR. DAVID :
WILLIAMS, Head Cook; MR. WALTER :
BRADY, Assistant Cook; SING SING :
CORRECTIONAL FACILITY,

Defendants.

----- x

JED S. RAKOFF, U.S.D.J.

On July 6, 2011, the Honorable James C. Francis IV, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that defendants' motion to dismiss be converted into a motion for summary judgment, that summary judgment for the defendants be granted in part and denied in part, and that all claims for injunctive relief be dismissed as moot.¹

No objections to the Report and Recommendation have been filed, and, for that reason alone, the parties have waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d

¹ Specifically, the Report and Recommendation concludes that summary judgment be granted to the defendants on: (1) all claims against defendant Brady; (2) all Fourteenth Amendment claims; and (3) any claim for damages or declaratory judgment to the extend that a defendant is sued in his official capacity. It concludes that summary judgment be denied with respect to the plaintiff's Eighth Amendment and supplemental state law claims against defendants Chu and Williams, including claims for damages or declaratory relief against these defendants in their individual capacities.

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Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. In accordance with the prior order of referral, Judge Francis should now take all steps to make the case ready for trial on the remaining claims in accordance with the Court's Individual Rules.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 15, 2011